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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,467	11/28/2001	Kazuo Koide	13711-002001	5335

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GREGORRY P. EINHORN

Fish & Richardson P.C.

Suite 500

4350 La Jolla Village Drive

San Diego, CA 92122

EXAMINER

RIBAR, TRAVIS B

ART UNIT

PAPER NUMBER

1711

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DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

09/997,467

KOIDE ET AL.

Examiner

Art Unit

Travis B Ribar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 16-21, 24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-15, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) 1-15 and 22-23, drawn to a nonadhesive carboxylated latex product.

Group 2, claim(s) 15-21, drawn to a method for producing a nonadhesive carboxylated latex product.

Group 3, claim(s) 24-25, drawn to a method for making a nonadhesive fingerstall.

2. The inventions listed as Groups 1-3 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The special technical feature of the invention, namely a carboxylated latex product with a carboxyl-group blocking agent, exists in the prior art as described below.

3. During a telephone conversation with Mr. Gregory P. Einhorn on August 23, 2002 a provisional election was made without traverse to prosecute the invention of group 1, claims 1-15 and 22-23. Affirmation of this election must be made by applicant in replying to this Office action. Claims 16-21 and 24-25 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Specification***

5. A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because the current specification is replete with grammatical errors that make the determination of the applicant's invention extremely difficult. Further, the current specification appears to be a literal translation of a foreign document.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

6. Claims 5-15 and 22-23 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

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***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Regarding claim 4, the terms, "NBR," "SBR," "CR," and "MBR" are acronyms that are not previously defined in the claims. To overcome this rejection, the applicant should replace the acronyms with the proper names of the compounds.

***Language Interpretation***

10. For the purposes of examination, the phrase, "...incorporated with...", appearing in claims 1-3, will be interpreted to mean, "comprising."

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szczechura et al. (cited on the international search report) in view of both Ngoc and Speth et al.

Szczechura et al. discloses carboxylated latex gloves that are made from the materials that the applicant specifies in claim 4 (page 3, lines 35-44). The latex glove is produced from an emulsion and the composition can include other materials, such as filler (page 4, line 58 to page 5, line 2). Szczechura et al. does not, however, explicitly mention a carboxyl-group blocking agent.

Both Ngoc (column 6, lines 19-24) and Speth et al. (column 7, lines 64-65) show that commonly used emulsifying agents and surfactants present in rubber latex emulsions include carboxyl-group blocking components such as those the applicant specifies at the bottom of page 14 in the specification.

The combination of these references leads to a composition that meets the requirements of claims 1-4. Regarding claim 3, the examiner notes that the product made by the combination of these references will have a surface that includes some of the required carboxyl-group containing agents and therefore the structure taught by the references and the structure in the claim are the same.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the surfactants and emulsifying agents in Speth et al. and Ngoc in the invention in Szczechura et al. The motivation for doing so would be to improve the emulsion in Szczechura et al. by using known emulsifying agents and surfactants.

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Therefore it would have been obvious to combine Speth et al. or Ngoc with Szczechura et al. to obtain the invention as specified in claims 1-4.

13. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szczechura et al. in view of both Ngoc and Speth et al. as applied to claim 1 above, and further in view of both Agostinelli and Joung.

The combination of Szczechura et al. and either Ngoc or Speth et al. discloses the invention in claim 1 but does not include the chlorination of the glove. The applicant admits Agostinelli and Joung teach the chlorination of surgical gloves (page 2 of the specification). The benefit of gloves produced in that manner is a reduction in the powder content of the gloves and an improvement in the wear properties of the glove.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to chlorinate the gloves in Szczechura et al. The motivation for doing so would be to improve the wear properties of the glove and to reduce the amount of powder in the gloves. Therefore it would have been obvious to combine Agostinelli and/or Joung with Szczechura et al. to obtain the invention as specified in claims 1-4.

14. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardon in view of both Ngoc and Speth et al.

Gardon discloses carboxylated latex gloves that are made from an emulsion of the materials that the applicant specifies in claim 4 (column 6, lines 51-63 and column 6,

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lines 28-37). Gardon does not, however, explicitly mention a carboxyl-group blocking agent.

Both Ngoc (column 6, lines 19-24) and Speth et al. (column 7, lines 64-65) show that commonly used emulsifying agents and surfactants present in rubber latex emulsions include carboxyl-group blocking components such as those the applicant specifies at the bottom of page 14 in the specification.

The combination of these references leads to a composition that meets the requirements of claims 1-4. Regarding claim 3, the examiner notes that the product made by the combination of these references will have a surface that includes some of the required carboxyl-group containing agents and therefore the structure taught by the references and the structure in the claim are the same.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the surfactants and emulsifying agents in Speth et al. and Ngoc in the invention in Gardon. The motivation for doing so would be to improve the emulsion in Gardon by using known emulsifying agents and surfactants. Therefore it would have been obvious to combine Speth et al. or Ngoc with Gardon to obtain the invention as specified in claims 1-4.

15. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardon in view of both Ngoc and Speth et al. as applied to claim 1 above, and further in view of both Agostinelli and Joung.



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The combination of Gardon and either Ngoc or Speth et al. discloses the invention in claim 1 but does not include the chlorination of the glove. The applicant admits Agostinelli and Joung teach the chlorination of surgical gloves (page 2 of the specification). The benefit of gloves produced in that manner is a reduction in the powder content of the gloves and an improvement in the wear properties of the glove.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to chlorinate the gloves in Gardon. The motivation for doing so would be to improve the wear properties of the glove and to reduce the amount of powder in the gloves. Therefore it would have been obvious to combine Agostinelli and/or Joung with Gardon to obtain the invention as specified in claims 1-4.

16. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamiya et al. in view of both Ngoc and Speth et al.

Kamiya et al. discloses carboxylated latex gloves that are made from an emulsion of the materials that the applicant specifies in claim 4 (column 1, lines 14-15 and column 5, lines 49-50). Kamiya et al. does not, however, explicitly mention a carboxyl-group blocking agent.

Both Ngoc (column 6, lines 19-24) and Speth et al. (column 7, lines 64-65) show that commonly used emulsifying agents and surfactants present in rubber latex emulsions include carboxyl-group blocking components such as those the applicant specifies at the bottom of page 14 in the specification.

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The combination of these references leads to a composition that meets the requirements of claims 1-4. Regarding claim 3, the examiner notes that the product made by the combination of these references will have a surface that includes some of the required carboxyl-group containing agents and therefore the structure taught by the references and the structure in the claim are the same.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the surfactants and emulsifying agents in Speth et al. and Ngoc in the invention in Kamiya et al. The motivation for doing so would be to improve the emulsion in Kamiya et al. by using known emulsifying agents and surfactants. Therefore it would have been obvious to combine Speth et al. or Ngoc with Kamiya et al. to obtain the invention as specified in claims 1-4.

17. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamiya et al. in view of both Ngoc and Speth et al. as applied to claim 1 above, and further in view of both Agostinelli and Joung.

The combination of Kamiya et al. and either Ngoc or Speth et al. discloses the invention in claim 1 but does not include the chlorination of the glove. The applicant admits Agostinelli and Joung teach the chlorination of surgical gloves (page 2 of the specification). The benefit of gloves produced in that manner is a reduction in the powder content of the gloves and an improvement in the wear properties of the glove.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to chlorinate the gloves in Kamiya et al. The motivation for doing so

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would be to improve the wear properties of the glove and to reduce the amount of powder in the gloves. Therefore it would have been obvious to combine Agostinelli and/or Joung with Kamiya et al. to obtain the invention as specified in claims 1-4.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dresdner, Jr. et al. discloses rubber latex gloves.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis B Ribar whose telephone number is (703) 305-3140. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

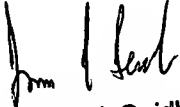
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Travis B Ribar  
Examiner  
Art Unit 1711

TBR  
October 29, 2002



James J. Seidleck  
Supervisory Patent Examiner  
Technology Center 1700